

June 23, 1972, 86 Stat. 342; amended Pub. L. 93-380, title VI, § 608(b), Aug. 21, 1974, 88 Stat. 579; Pub. L. 95-112, § 3(c), Sept. 24, 1977, 91 Stat. 912; renumbered § 316 and amended Pub. L. 95-561, title XIII, §§ 1307(a)(3), 1311, Nov. 1, 1978, 92 Stat. 2360, 2361, as amended by Pub. L. 96-46, § 2(a)(6), Aug. 6, 1979, 93 Stat. 340; renumbered § 315 and amended Pub. L. 98-511, title I, §§ 102(f)(1), 109(a)(2), title V, § 513(d), Oct. 19, 1984, 98 Stat. 2366, 2369, 2400, related to grants for improvement of educational opportunities for adult Indians, prior to the general amendment of this chapter by section 2102 of Pub. L. 100-297, Section 5352(3) of Pub. L. 100-297, title V, Apr. 28, 1988, 102 Stat. 414, subsequently provided for the repeal of section 315 of Pub. L. 89-750.

Section 1211b, Pub. L. 89-750, title III, § 373, as added Pub. L. 102-26, § 7, Apr. 9, 1991, 105 Stat. 127, related to education programs for commercial drivers.

A prior section 1211b, Pub. L. 89-750, title III, § 317, formerly § 315, as added Pub. L. 94-405, title III, § 301, Sept. 10, 1976, 90 Stat. 1233; renumbered and amended Pub. L. 95-561, title XIII, §§ 1307(a)(3), 1312, Nov. 1, 1978, 92 Stat. 2360, 2361; Pub. L. 96-88, title III, § 301(a)(1), title V, § 507, Oct. 17, 1979, 93 Stat. 677, 692, related to grants for operations for special adult education programs for Indochina refugees, prior to repeal by Pub. L. 97-35, title V, § 542(3), Aug. 13, 1981, 95 Stat. 459, eff. Oct. 1, 1981.

A prior section 1211c, Pub. L. 89-750, title III, § 318, as added Pub. L. 95-561, title XIII, § 1313, Nov. 1, 1978, 92 Stat. 2361; amended Pub. L. 96-88, title III, § 301(a)(1), title V, § 507, Oct. 17, 1979, 93 Stat. 677, 692; Pub. L. 97-300, title I, § 183, Oct. 13, 1982, 96 Stat. 1357; Pub. L. 98-511, title I, § 102(f)(1), Oct. 19, 1984, 98 Stat. 2366; Pub. L. 98-524, § 4(d)(2), Oct. 19, 1984, 98 Stat. 2489, authorized adult education programs for adult immigrants, providing in subsec.: (a) for grant and contract authority; (b) for applications to State educational agencies; (c) for time, manner, and form of applications; (d) for payments by Secretary of application costs; (e) for contracts with private nonprofit groups; and (f) for authorization of appropriations for fiscal years 1979 through 1983, prior to repeal by Pub. L. 98-511, title I, § 109(a)(1), Oct. 19, 1984, 98 Stat. 2369, eff. July 1, 1985.

SUBCHAPTER IV—NATIONAL PROGRAMS

§§ 1213 to 1213d. Repealed. Pub. L. 105-220, title II, § 251(a)(1), Aug. 7, 1998, 112 Stat. 1079

Section 1213, Pub. L. 89-750, title III, § 381, as added Pub. L. 100-297, title II, § 2102, Apr. 28, 1988, 102 Stat. 317, related to adult migrant farmworker and immigrant education.

Section 1213a, Pub. L. 89-750, title III, § 382, as added Pub. L. 100-297, title II, § 2102, Apr. 28, 1988, 102 Stat. 318, related to adult literacy volunteer training.

Section 1213b, Pub. L. 89-750, title III, § 383, as added Pub. L. 100-297, title II, § 2102, Apr. 28, 1988, 102 Stat. 318, related to State program analysis assistance and policy studies.

Section 1213c, Pub. L. 89-750, title III, § 384, as added Pub. L. 100-297, title II, § 2102, Apr. 28, 1988, 102 Stat. 319; amended Pub. L. 102-73, title I, § 102(c), July 25, 1991, 105 Stat. 334; Pub. L. 103-382, title III, § 335(b), Oct. 20, 1994, 108 Stat. 3966, related to national research activities and establishment of National Institute for Literacy. See section 9252 of this title.

Section 1213d, Pub. L. 89-750, title III, § 385, as added Pub. L. 100-297, title II, § 2102, Apr. 28, 1988, 102 Stat. 319, related to limitation on grants for sectarian instruction or religious worship or to a school or department of divinity.

PURPOSE AND FINDINGS REGARDING LITERACY AMENDMENTS AND NATIONAL INSTITUTE FOR LITERACY

Pub. L. 102-73, title I, § 102(a), (b), July 25, 1991, 105 Stat. 334, stated findings of Congress and purpose of amendment by section 102 of Pub. L. 102-73 to former section 1213c of this title, prior to repeal by Pub. L. 105-220, title II, § 251(a)(2), Aug. 7, 1998, 112 Stat. 1079.

FAMILY LITERACY PUBLIC BROADCASTING PROGRAM

Pub. L. 102-73, title III, § 304, July 25, 1991, 105 Stat. 353, authorized Secretary to contract with the Corporation for Public Broadcasting to arrange for production and dissemination of family literacy programming and materials to assist parents in improving family literacy skills and language development, authorized appropriations, and required report to Congress, prior to repeal by Pub. L. 105-220, title II, § 251(a)(2), Aug. 7, 1998, 112 Stat. 1079.

CHAPTER 31—GENERAL PROVISIONS CONCERNING EDUCATION

Sec.

1221.

Short title; applicability; definitions.

(a) Short title.

(b) Applicability of chapter.

(c) Definitions.

(d) Application of other laws unaffected.

1221-1.

National policy with respect to equal educational opportunity.

1221-2.

National policy with respect to museums as educational institutions.

1221-3.

Repealed.

SUBCHAPTER I—FUNCTIONS OF DEPARTMENT OF EDUCATION

1221a to 1221e-1c. Repealed.

1221e-1d.

Use of Council staff and facilities.

1221e-2.

Repealed.

1221e-3.

General authority of Secretary.

(a) Rules and regulations for agency operation; personnel; gifts; transactions; construction of facilities; acquisition and disposal of property; reimbursement of Federal agencies for use of services.

(b) Qualifications of persons engaged in competitive review of grant applications.

(c) Delegation of functions.

(d) "Administrative head of an education agency" defined.

1221e-4.

Educational impact statement.

1221f to 1221i.

Repealed.

1221j.

Television program assistance.

(a) Granting and contracting authority.

(b) Administration and studies.

SUBCHAPTER II—APPROPRIATIONS AND EVALUATIONS

PART 1—APPROPRIATIONS

1222.

Repealed.

1223.

Forward funding.

1224.

Repealed.

1225.

Availability of appropriations on academic or school-year basis; additional period for obligation of funds.

(a) Academic or differing fiscal year.

(b) Succeeding fiscal year.

(c) Institution of judicial proceedings.

1226.

Repealed.

1226a.

Contingent extension of programs.

(a) Automatic extension.

(b) Amount of appropriation.

(c) Acts and determinations necessary for program continuation.

(d) Application to commissions, councils, and committees required by law to terminate.

Sec. 1226a-1.	Payments; installments, advances or reimbursement, and adjustments.	Sec. 1231c-1. 1231d.	(c) Dissemination. (d) Annual report by Secretary. Repealed. Parental involvement and dissemination. Use of funds withheld. Repealed.
PART 2—PLANNING AND EVALUATION OF FEDERAL EDUCATION ACTIVITIES		PART 2—ADMINISTRATION: REQUIREMENTS AND LIMITATIONS	
1226b.	Responsibility of States to furnish information. (a) Biennial reports; contents. (b) Additional contents. (c) Delinquent or incomplete reports. (d) Availability of information. (e) Congressional telecommunications network. (f) Reports by Secretary.	1231g.	Applications. (a) Submission and amendments of applications. (b) Uniform dates. (c) Development of common applications.
1226c.	Biennial evaluation report.	1232.	Regulations. (a) "Regulation" defined. (b) Citation of authority. (c) Uniform application. (d) Application of exemption. (e) Schedule for promulgation of final regulations. (f) Transmittal of final regulations.
1226c-1.	Availability of education reports, etc., to Congressional committees.	1232-1.	Repealed.
1226d, 1227.	Repealed.	1232a.	Prohibition against Federal control of education.
1228.	Prohibition against use of appropriated funds for busing.	1232b.	Labor standards.
1228a.	Equity for students, teachers, and other program beneficiaries. (a) Purpose. (b) Requirement to develop steps to ensure equity. (c) Establishment of criteria. (d) Effect on other laws.	PART 3—ADMINISTRATION OF EDUCATION PROGRAMS AND PROJECTS BY STATES AND LOCAL EDUCATIONAL AGENCIES	
1228b.	Coordination.	1232c.	State educational agency monitoring and enforcement. (a) State plan. (b) State enforcement of Federal requirements. (c) Withholding of payments.
1228c.	Disclosure requirements. (a) In general. (b) Nondiscriminatory enrollment and service policy. (c) Enforcement. (d) Definitions.	1232d.	Single State application. (a) Submission of general application; approval by State supervisory authority. (b) Assurances. (c) Effective term of general application.
SUBCHAPTER III—GENERAL REQUIREMENTS AND CONDITIONS CONCERNING OPERATION AND ADMINISTRATION OF EDUCATION PROGRAMS: GENERAL AUTHORITY OF SECRETARY		1232e.	Single local educational agency application. (a) General application to State agency or board. (b) Assurances. (c) Effective term of general application.
1230.	Repealed.	PART 4—RECORDS; PRIVACY; LIMITATION ON WITHHOLDING FEDERAL FUNDS	
PART 1—GENERAL AUTHORITY		1232f.	Records. (a) Records kept by recipient; full disclosure; maintenance period. (b) Audit examination.
1231.	Joint funding of programs. (a) Joint projects; transfers of appropriations; contracts or grants; criteria. (b) Joint applications. (c) Limitations on joint funding. (d) Congressional notice.	1232g.	Family educational and privacy rights. (a) Conditions for availability of funds to educational agencies or institutions; inspection and review of education records; specific information to be made available; procedure for access to education records; reasonableness of time for such access; hearings; written explanations by parents; definitions.
1231a.	Collection and dissemination of information.		
1231b, 1231b-1.	Repealed.		
1231b-2.	Review of applications. (a) Persons aggrieved; final State educational agency actions; hearing; ruling and reasons for ruling; rescission of final actions. (b) Appeals to Secretary; persons aggrieved; notice; orders prescribing appropriate agency actions; finality of agency fact findings; interim orders pending appeal or review. (c) Records; availability. (d) Termination of assistance for noncompliance with provisions or orders.		
1231c.	Advice, counsel, and technical assistance. (a) State educational agencies, institutions of higher education. (b) Cost allocation, collection, etc., by local educational agencies.		

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	<ul style="list-style-type: none"> (b) Release of education records; parental consent requirement; exceptions; compliance with judicial orders and subpoenas; audit and evaluation of federally-supported education programs; recordkeeping. (c) Surveys or data-gathering activities; regulations. (d) Students' rather than parents' permission or consent. (e) Informing parents or students of rights under this section. (f) Enforcement; termination of assistance. (g) Office and review board; creation; functions. (h) Disciplinary records; disclosure. (i) Drug and alcohol violation disclosures. (j) Investigation and prosecution of terrorism. 		<ul style="list-style-type: none"> (b) Review of preliminary departmental decision; form and contents of application for review; inadequate preliminary decisions; duties of recipient to subrecipients after preliminary decision; burden of proof. (c) Time for hearing. (d) Review of findings of fact in preliminary decision; conclusiveness; remand; new or modified findings. (e) Time for filing petition for review of preliminary decision. (f) Stay of collection or other adverse action by Secretary against recipient. (g) Preliminary decision as final agency action. (h) Publication of decisions as final agency actions. (i) Collection amounts and procedures. (j) Compromise of preliminary departmental decisions; preconditions; notice requirements. (k) Limitation period respecting return of funds. (l) Foregoing of interest during period of administrative review.
1232h.	Protection of pupil rights. <ul style="list-style-type: none"> (a) Inspection of instructional materials by parents or guardians. (b) Limits on survey, analysis, or evaluations. (c) Development of local policies concerning student privacy, parental access to information, and administration of certain physical examinations to minors. (d) Notice. (e) Enforcement. (f) Office and review board. 	1234b.	Measure of recovery. <ul style="list-style-type: none"> (a) Amount returned proportionate to extent of harm violation caused to an identifiable Federal interest; reduction; determination of identifiable Federal interest. (b) Reduction or waiver of amount based on mitigating circumstances; burden of proof; determination of mitigating circumstances; weight, etc., of written request for guidance. (c) Review of written requests for guidance on periodic basis.
1232i.	Limitations on withholding of Federal assistance. <ul style="list-style-type: none"> (a) Refusal to supply personal data on students or families. (b) Noncompliance with non-discrimination provisions of Federal law. (c) Failure to comply with imposition of quotas. 	1234c.	Remedies for existing violations.
1232j.	Prohibition on federally sponsored testing. <ul style="list-style-type: none"> (a) General prohibition. (b) Exceptions. 	1234d.	Withholding. <ul style="list-style-type: none"> (a) Discretionary authority over further payments under applicable program. (b) Notice requirements. (c) Hearing. (d) Suspension of payments, authorities, etc. (e) Findings of fact. (f) Final agency action.
SUBCHAPTER IV—ENFORCEMENT			
1234.	Office of Administrative Law Judges. <ul style="list-style-type: none"> (a) Establishment; duties. (b) Appointment. (c) Employment requirements; chief judge. (d) Assignment of judges. (e) Review and evidentiary functions. (f) Conduct of proceedings; costs and fees of parties. (g) Discovery; scope, time, etc.; issue and enforcement of subpoenas. (h) Mediation of disputes. (i) Professional personnel; employment, assignment, or transfer. 	1234e.	Cease and desist orders. <ul style="list-style-type: none"> (a) Issuance and contents of complaint. (b) Appearance contesting order. (c) Report; issuance of cease and desist order. (d) Report and order as final agency action. (e) Enforcement of final order.
1234a.	Recovery of funds. <ul style="list-style-type: none"> (a) Preliminary departmental decision; grounds of determination; notice requirements; prima facie case; amount of funds recoverable. 	1234f.	Compliance agreements. <ul style="list-style-type: none"> (a) Discretionary authority; purposes of agreement. (b) Procedures applicable. (c) Contents. (d) Failure of recipient to comply with terms and conditions.
		1234g.	Judicial review. <ul style="list-style-type: none"> (a) Recipients entitled to review; stay of action by Secretary.

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- (b) Petition for review; filing of record.
- (c) Findings of fact.
- (d) Scope of review; review by Supreme Court.
- 1234h. Use of recovered funds.
 - (a) Repayment to recipient; factors considered.
 - (b) Terms and conditions of repayment.
 - (c) Availability of funds.
 - (d) Publication in Federal Register of notice of intent to enter into repayment arrangement.
- 1234i. Definitions.
- SUBCHAPTER V—READY TO LEARN TELEVISION
- 1235 to 1235g. Repealed.

AMENDMENTS

1970—Pub. L. 91-230, title IV, §401(a)(1), Apr. 13, 1970, 84 Stat. 164, substituted as chapter heading “GENERAL PROVISIONS CONCERNING EDUCATION” for “LEAD-TIME AND PLANNING AND EVALUATION IN ELEMENTARY AND SECONDARY EDUCATION PROGRAMS”.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1652, 3441, 3489, 6104, 6777, 7001, 9134 of this title; title 42 section 2473b.

§ 1221. Short title; applicability; definitions**(a) Short title**

This chapter may be cited as the “General Education Provisions Act”.

(b) Applicability of chapter

(1) Except as otherwise provided, this chapter applies to each applicable program of the Department of Education.

(2) Except as otherwise provided, this chapter does not apply to any contract made by the Department of Education.

(c) Definitions

As used in this chapter, the following terms have the following meanings:

(1) The term “applicable program” means any program for which the Secretary or the Department has administrative responsibility as provided by law or by delegation of authority pursuant to law. The term includes each program for which the Secretary or the Department has administrative responsibility under the Department of Education Organization Act [20 U.S.C. 3401 et seq.] or under Federal law effective after the effective date of that Act.

(2) The term “applicable statute” means—

(A) the Act or the title, part, section, or any other subdivision of an Act, as the case may be, that authorizes the appropriation for an applicable program;

(B) this chapter; and

(C) any other statute that by its terms expressly controls the administration of an applicable program.

(3) The term “Department” means the Department of Education.

(4) The term “Secretary” means the Secretary of Education.

(d) Application of other laws unaffected

Nothing in this chapter shall be construed to affect the applicability of title VI of the Civil

Rights Act of 1964 [42 U.S.C. 2000d et seq.], title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], title V of the Rehabilitation Act of 1973 [29 U.S.C. 790 et seq.], the Age Discrimination Act [42 U.S.C. 6101 et seq.], or other statutes prohibiting discrimination, to any applicable program.

(Pub. L. 90-247, title IV, §400, formerly §401, Jan. 2, 1968, 81 Stat. 814; Pub. L. 90-576, title III, §301(a), Oct. 16, 1968, 82 Stat. 1094; Pub. L. 91-230, title IV, §401(a)(2), Apr. 13, 1970, 84 Stat. 164; renumbered §400, Pub. L. 92-318, title III, §301(a)(1), June 23, 1972, 86 Stat. 326; Pub. L. 93-380, title V, §505(a)(1), Aug. 21, 1974, 88 Stat. 561; Pub. L. 103-382, title II, §211, Oct. 20, 1994, 108 Stat. 3912.)

REFERENCES IN TEXT

The Department of Education Organization Act, referred to in subsec. (c)(1), is Pub. L. 96-88, Oct. 17, 1979, 93 Stat. 668, as amended, which is classified principally to chapter 48 (§3401 et seq.) of this title. For the effective date of the Act, see Effective Date note set out under section 3401 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3401 of this title and Tables.

The Civil Rights Act of 1964, referred to in subsec. (d), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Act is classified generally to subchapter V (§2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

The Education Amendments of 1972, referred to in subsec. (d), is Pub. L. 92-318, June 23, 1972, 86 Stat. 235, as amended. Title IX of the Act, known as the Patsy Takemoto Mink Equal Opportunity in Education Act, is classified principally to chapter 38 (§1681 et seq.) of this title. For complete classification of title IX to the Code, see Short Title note set out under section 1681 of this title and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (d), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended. Title V of the Act is classified generally to subchapter V (§790 et seq.) of chapter 16 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

The Age Discrimination Act, referred to in subsec. (d), probably means the Age Discrimination Act of 1975, which is title III of Pub. L. 94-135, Nov. 28, 1975, 89 Stat. 728, as amended, and which is classified generally to chapter 76 (§6101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of Title 42 and Tables.

AMENDMENTS

1994—Pub. L. 103-382 amended section generally, inserting provision that this chapter not apply to any contract made by the Department of Education, substituting definition of “Department” as meaning Department of Education for definition of “Director” as meaning Director of the National Institute of Education, striking out reference to the Civil Rights Act of 1964, adding references to title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, title V of the Rehabilitation Act of 1973, the Age Discrimination Act, and other statutes prohibiting discrimination, and striking out provision authorizing appropriations for any fiscal year of such sums as may be necessary to carry out the provisions of this chapter.

1974—Subsec. (a). Pub. L. 93-380 redesignated subsec. (d) as (a). Former subsec. (a) provisions “The provisions of this chapter shall apply to any program for which the Commissioner of Education has responsibility for administration, either as provided by statute or by del-